

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

May 26, 2010

CERTIFIED RETURN RECEIPT and by Regular Mail 7004 1160 0003 0190 4383

Dale Snyder Absolute Mining and Minerals 7752 North 9150 West Lehi, Utah 84043

Subject: Reclamation Required, Permit Revoked, Absolute Mining and Minerals; AMMI Mine;

S/019/0035; Grand County, Utah

Dear Mr. Snyder:

I am writing in response to your letter dated May 19, 2010, concerning the requirement of the Division of Oil, Gas and Mining (Division) for you to complete reclamation by June 15, 2010. There are several issues associated with the Division's decision to require reclamation:

- 1. Ten-year period of inactivity. I have been associated with the minerals regulatory program since July 2001, and have visited the site several times. I have never seen any indications of mining activity, and inspector Tom Munson was at the site earlier this month and found no evidence of mining. A letter from the BLM dated January 17, 2008, says the site had been inactive for twelve years. Your annual reports from 2000 through 2002 say there was no mining, and the Division has not received a report since then although these reports are required by rule R647-3-117. Your letter says you have mined for many years including as recently as three weeks prior to the Division's May 19 letter.
- 2. Reclamation surety. In December 2007, the Division sent you a letter requiring that the surety be increased from \$8200.00 to \$80,840.00. Your letter of February 13, 2008, addressed to the BLM (and not copied to the Division) says the amount is out of line but provides no documentation. In fairness, the Division did not provide documentation of its calculation but has recently re-calculated the surety based on demolition and removal costs available through the Means handbook and also on average regrading and revegetation costs. The enclosed spreadsheet shows these costs and the references in the handbook. The total amount, including indirect costs and escalation through 2015, is \$118,000.00. The average costs per acre are based on average calculated costs of regrading and revegetating about 30 large mine in Utah.

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- 3. Division not named as beneficiary on surety. Rule R647-3-111.2 says the Division will not require a separate reclamation surety when a surety in the correct form and amount is being held by another government agency **and the Division is named as a cobeneficiary**. By letter dated September 25, 2006, the Division asked that you make this change in the surety, and the deadline was December 8, 2006. This has not happened.
- 4. Reclamation Contract. The Division's September 25, 2006, letter also required that you provide a reclamation contract, but the Division has yet to receive this contract. This is required by rule R647-3-111.4.
- 5. Notice of Intention. The Division has never approved/accepted a Notice of Intention to Commence Small Mining Operations for this site. The information in the Division's files is incomplete and inadequate. Some of the maps are basically illegible, and they do not provide the information required by rule. Other information is scattered through various pieces of correspondence
- 6. Division of Corporations registration. The registration of Absolute Mining and Minerals, LLC, with the Division of Corporations expired December 10, 2003, and the Division's letter of September 26, 2006, notified you that the registration needed to be renewed. The registration status is still listed as expired.

As stated in its April 27, 2010, letter, the Division requires that reclamation be completed by June 15, 2010. If you fail to complete reclamation by this date, the Division will seek forfeiture of the reclamation surety and approval from the Board of Oil, Gas and Mining (Board) to conduct the reclamation and recover costs and expenses of reclamation, together with costs of collection, in a civil action brought by the attorney general. If reclamation has not been completed by June 15, 2010, a Cessation Order will most likely be issued including appropriate fines and deadlines for reclamation to occur.

Your response letter says that if the Division insists on revoking the permit you formally request a hearing before Federal Judge Switzer. If you desire to appeal the Division's decision, you need to file a request for agency action with the Board of Oil, Gas and Mining.

If you still want to conduct mining operations, please submit the following before the reclamation deadline of June 15, 2010:

- 1. A new, complete, Notice of Intention to Commence Small Mining Operations. The form is available on the Division's web site at https://fs.ogm.utah.gov/pub/mines/minerals related/forms/MR-SMO.pdf.
- 2. A reclamation surety totaling at least \$80,840.00 in a form acceptable to the Division. If the surety on file with the BLM is to be used as a portion of this amount, the Division must be named as a co-beneficiary. The amount of the surety will need to be increased

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to current levels (\$118,000.00) in December 2010 but could be reduced if some of the site is reclaimed, particularly if some of the facilities are removed.

- 3. A completed and signed reclamation contract. This form is available on the Division's web site at https://fs.ogm.utah.gov/pub/mines/minerals_related/forms/MR-RC-SMO.pdf.
- 4. Evidence that the registration with the Division of Corporations has been renewed.

The BLM may have additional requirements.

If you have questions about this letter, please call me at 801-538-5261 or Tom Munson at 801-538-5321.

Sincerely,

Paul B. Baker

Minerals Program Coordinator

PBB:tm:pb

cc: Marie mcgann@blm.gov

Steve Alder and Fred Donaldson, Assistant Attorneys General

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Bonding Calculations

Direct Costs		
Subtotal Demolition and Removal Direct Costs	\$71,099.00 \$71,099.00	
Indirect Costs Mob/Demob Contingency Engineering Redesign Main Office Expense Project Management Fee	\$7,110.00 \$3,555.00 \$1,777.00 \$4,835.00 \$1,777.00	10.0% 5.0% 2.5% 6.8% 2.5%
Subtotal Indirect Costs Total Cost 2010	\$19,054.00 \$90,153.00	26.8%
Number of years	\$90,100.00	5
Escalation factor Escalation Grading and revegetation (Average for 5 acres; includes escalation and indirect costs) Reclamation Cost Escalated	\$2,276.00 \$25,100.00 \$117,529.00	0.005
Bond Amount (rounded to nearest \$1,000) 2013 Dollars	\$118,000.00	

Posted Bond

Difference Between Cost Estimate and Bond -\$118,000.00

Percent Difference

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Rubble's Weight (exclude steel)												1	1					1	_
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Transportation Cost Non Steel Truck					1		+							+		1	+	+	-
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